



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
CIVIL RIGHTS

AUG 21 2015

Return Receipt Requested

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In Reply Refer to:

EPA File No 15U-15-R4

North Carolina Department of Public Safety
4201 Mail Service Center
Raleigh, North Carolina 27699-4201

Re: Rejection and Referral of Administrative Complaint

To whom it may concern:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received a complaint on June 30, 2015, alleging that the Eastern Correctional Facility (ECF), the North Carolina Department of Corrections (NCDOC), and the North Carolina Department of Public Safety (NCDPS) failed to remediate friable asbestos in its insulation.

The OCR is rejecting and referring the subject complaint to the Department of Justice's (DOJ) Civil Rights Division, the Department of Labor's Occupational Safety and Health Administration (OSHA), and the North Carolina Health Hazards Control Unit in the Department of Health and Human Services Division of Public Health (NCHHCU) due to lack of jurisdiction.

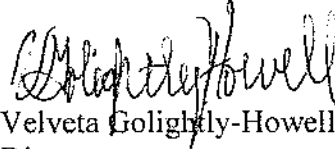
Pursuant to EPA's nondiscrimination regulations, the OCR conducts a preliminary review of correspondence to determine acceptance, rejection, or referral. 40 Code of Federal Regulations (C.F.R.) § 7.120(d)(1). To be accepted for investigation, correspondence must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, correspondence must be filed against an applicant for, or a recipient of, EPA assistance that allegedly committed the discriminatory act.

After careful review, OCR is rejecting the complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's nondiscrimination regulations. First, the ECF, the NCDOC, or the NCDPS is an applicant for, or recipient of EPA financial assistance. Second, the allegation does not describe an alleged

discriminatory act that may violate EPA's nondiscrimination regulations. However, due to the circumstances underlying the allegations, OCR is referring it for potential further action by the DOJ, the OSHA, and the NCHHCU. A copy of these letters are enclosed.

If you have any questions about OCR's decision to refer the matter to DOJ, please contact William Yon at (202) 564-5617, at yon.william@epa.gov, or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,


Velveta Golightly-Howell
Director
Office of Civil Rights

Enclosure

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office, EPA
(MC 2399A)

Ken Lapierre
Assistant Regional Administrator
U.S. EPA Region IV
(MC 9T25)

Vickie Tellis
Deputy Assistant Regional Administrator
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